

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Amendment of Parts 2 and 15 of the
Commission's Rules to Permit Use
of Radio Frequencies Above 40 GHz
for New Radio Applications

ET Docket No. 94-124
RM-8784

Petition of Sky Station International,
Inc. for Amendment of the Commission's
Rules to Establish Requirements for a
Global Stratospheric Telecommunications
Service in the 47.2-47.5 GHz and
47.9-48.2 GHz Frequency Bands

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Opposition and Reply of Hughes Communications, Inc.

Hughes Communications, Inc. ("HCI") hereby submits its Opposition and Reply to the Request to Establish New GSTS Service, Additional Comments and Petition for Rulemaking, filed by Sky Station International, Inc. ("SSI") in this proceeding. SSI proposes a new "Global Stratospheric Telecommunications Service" that would allow the provision of fixed, mobile and portable wireless telecommunications service at 47.2-47.5 GHz and 47.9-48.2 GHz (the "GSTS").^{1/} In a separate application, SSI itself proposes to offer GSTS

1. SSI Petition at 1-5.

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through a global network of geostationary helium or hydrogen balloon-supported platforms in the stratosphere.

HCI and its affiliated companies have a direct and substantial interest in the resolution of this proceeding as leading satellite manufacturers, operators and distributors of satellite communications services. They would be affected by SSI's proposal to make the Fixed Satellite Service ("FSS") and the Broadcast Satellite Service ("BSS") secondary in the 600 MHz of spectrum that SSI proposes to allocate solely for the proposed GSTS service at 47.2-47.5 GHz and 47.9-48.2 GHz.

The frequency band segments that are the subject of SSI's petition are currently allocated for FSS uplinks and BSS feeder links. Although the 47.2-47.5 GHz and 47.9-48.2 GHz bands are not commercially used today for the FSS or BSS, these bands provide much needed expansion capacity to accommodate future use requirements of those services. As the Commission is well aware, the Ka band is the subject of intense contention and is in the process of being divided up among many competing services in an international "land rush" for spectrum. It will not be long before the 40 GHz band is needed for the FSS and BSS. The 40 GHz band provides a basis for significant economic growth and new jobs in the satellite sector for spacecraft manufacturers, launch providers, service providers, and ground equipment manufacturers alike. But that expansion can occur only if sufficient spectrum remains available for the FSS and BSS.


HCI objects to SSI's proposal because SSI is proposing to relegate the FSS and BSS to secondary status in 600 MHz of spectrum without one scintilla of analysis on whether it is possible for the proposed GSTS to share that spectrum with the FSS or the BSS. Before

the Commission considers setting aside 600 MHz of spectrum for SSI, it should require SSI to conduct such a compatibility analysis. Clearly, the public interest would be best served by maximizing use of this spectrum by the greatest number of systems. This can occur only if proponents for new systems are provided with an incentive to consider the impact of their proposals on other services or to make their proposed systems compatible with existing services.

HCI is particularly disturbed because this proposal seems to be part of a growing trend in spectrum management: (i) systems are designed and promoted without regard to other planned uses of radio spectrum and the other uses (that have been planned for decades) are summarily displaced, (ii) system proponents ask the Commission to define a new "service" based on a single system point design that has not been tested, and (iii) considerations for equitable use of the limited radio spectrum resource are ignored. This trend is harmful because it leads to limitations on use of the radio spectrum, reduces the possibility of competition, and limits economic opportunities for new businesses.

For the foregoing reasons, HCI urges the Commission to require SSI to provide a compatibility analysis between SSI's proposed GSTS and the FSS and BSS for which the 47.2-47.5 GHz and 47.9-48.2 GHz bands already are allocated on a global basis. The failure to explore inter-service compatibility in the early stages of this proceeding will preclude alternative use of the spectrum, displace FSS and BSS in the 47.2-47.5 GHz and 47.9-48.2 GHz bands, and prevent the use of those bands for future satellite systems.

HUGHES COMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

I, Wanda J. Sisco, do hereby certify that true and correct copies of the foregoing Reply Comments of Hughes Communications, Inc. were mailed, first class postage prepaid, this 1st day of May, 1996 to the following:

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